



The Corporation of the Town of Essex

Court of Revision Minutes

December 5, 2024, 5:00 pm

Shaheen Room, Essex Centre Sports Complex, 60 Fairview Avenue West

Present: Chair - Dougherty, Janice (Arrived at 5:06pm)
Vice Chair - Bezaire Arevalo, Daniel
Member - Dufour, Percy

Also Present: Lindsay Dean, Drainage Superintendent
Tanya Tuzlova, Recording Secretary
Shelley Brown, Deputy Clerk, Legal and Legislative Services

14th Concession East Drain and Branch (Inspiration Industrial Park Bridge) in the Town of Essex, File No. 24-8160, report dated September 18th, 2024, and Walker Drain Repairs and Improvements, Geographic Township of Colchester North, Project REI2022D008, Town of Essex, County of Essex

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Present for 14th Concession East Drain:

Abe Friesen for Inspiration Industrial Park LTD

Present for Walker Drain:

Paul Kulke, 7812 Howard Avenue

1. Call to Order

The Vice Chair called meeting to order at 5:00 PM.

2. Land Acknowledgement

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

4. Adoption of Published Agenda

4.1 Court of Revision Agenda for December 5, 2024

COR 24-12-01

Moved By Percy Dufour

Seconded By Daniel Bezaire Arevalo

That the published agenda for the December 5, 2024, Court of Revision be adopted as presented.

Carried

5. Adoption of Minutes

5.1 Adoption of Minutes for October 10, 2024

COR 24-12-02

Moved By Percy Dufour

Seconded By Daniel Bezair Arevalo

That the minutes of the Court of Revision held October 10, 2024, be adopted as circulated.

Carried

6. Presentation by Drainage Superintendent

Lindsay Dean, Drainage Superintendent, explained the procedure under the Drainage Act. Ms. Dean also explained the purpose of the meeting and described the possible grounds for appeal at the Court of Revision.

COR 24-12-03

Moved By Percy Dufour

Seconded By Daniel Bezair Arevalo

That the presentation by the Drainage Superintendent be adopted as presented.

Carried

7. 14th Concession East Drain and Branch

14th Concession East Drain and Branch (Inspiration Industrial Park Bridge) in the Town of Essex, report dated September 18th, 2024, File No. 24-8160

Janice Dougherty, Chair arrived at 5:06pm.

7.1 Appeals from Landowners

7.1.1 Written Appeals Received by the Due Date

Shelley Brown, Deputy Clerk, has informed that no written appeals were received by the Clerk's Office by the due date.

7.1.2 Written Appeals Received After the Due Date

Shelley Brown, Deputy Clerk, has informed that no written appeals were received by the Clerk's Office after the due date.

7.2 Correspondence

There was no correspondence noted at this time.

7.3 Engineer to Provide Background on the Drain and the Proposed Project (if required)

Oliver Moir, Professional Engineer, presented the short overview of the report and explained that the cost of the bridge construction is assigned 100% to

Inspiration Industrial Park. Mr. Moir added that future maintenance of the bridge will be cost shared at 80% to Inspiration Industrial Park and 20% to upstream lands and roads.

COR 24-12-04

Moved By Daniel Bezaire Arevalo

Seconded By Janice Dougherty, Chair

That the verbal report provided by Oliver Moir, Professional Engineer, Dillon Consulting Limited, regarding 14th Concession East Drain and Branch (Inspiration Industrial Park Bridge) in the Town of Essex, File No. 24-8160, report dated September 18th, 2024, be received.

Carried

7.4 Questions from Landowners

Abe Friesen, who was in attendance for Inspiration Industrial Park LTD had no questions.

7.5 Court of Revision Decision

Recommended Action:

COR 24-12-05

Moved By Daniel Bezaire Arevalo

Seconded By Janice Dougherty, Chair

That the assessments contained in the Schedules of Assessment for the 14th Concession East Drain and Branch (Inspiration Industrial Park Bridge) in the Town of Essex, report dated September 18th, 2024, File No. 24-8160, as prepared by Oliver Moir, Professional Engineer, be confirmed as presented.

Carried

8. Walker Drain

Walker Drain Repairs and Improvements, Geographic Township of Colchester North, Project REI2022D008, Town of Essex, County of Essex, report dated September 19th, 2024

8.1 Appeals from Landowners

8.1.1 Written Appeals Received by the Due Date

Shelley Brown, Deputy Clerk, has informed that no written appeals were received by the Clerk's Office by the due date.

8.1.2 Written Appeals Received after the Due Date

Shelley Brown, Deputy Clerk, has informed that no written appeals were received by the Clerk's Office after the due date.

8.2 Correspondence

There was no correspondence noted at this time.

8.3 Engineer to Provide Background on the Drain and the Proposed Project

David Montigny, Engineer in Training, presented the short overview of the report. Mr. Montigny noted that after the Consideration of Report Meeting, he received several calls from the property owners regarding the assessed area. Mr. Montigny added that Addendum 1 dated November 5th, 2024, was prepared to address the adjustments to the schedule. The Addendum was submitted to the Town and mailed to the assessed property owners with the Court of Revision notice.

COR 24-02-06

Moved By Percy Dufour

Seconded By Janice Dougherty, Chair

That the verbal report provided by David Montigny, Engineer in Training, Rood Engineering Inc. regarding Walker Drain, Repairs and Improvements, Geographic Township of Colchester North, Project REI2022D008, Town of Essex, County of Essex, report dated September 19th, 2024, be received.

Carried

8.4 Questions from Landowners

Paul Kulke, 7812 Howard Avenue, said that he did not receive the documentation for the meeting. Mr. Kulke added that he saw assessments to his properties before the meeting and noted that he has no questions or concerns.

Percy Dufour, Drainage Board Member, asked when the notices were mailed out and if the mailout was affected by Canada Post strike.

Tanya Tuzlova, Drainage Clerk, informed that the mail out was delivered to Canada Post office on December 6th, 2024. Ms. Tuzlova noted that she received a call from an assessed property owner on the Walker Drain with questions about Addendum 1, which was attached to the notice, thus confirming that the other residents received the mail.

Lindsay Dean, Drainage Superintendent, noted that the strike started on December 15th, so the notices should have been delivered on time.

Abe Friesen, who was in attendance, informed that he received the Court of Revision package in mail.

There were no more questions.

8.5 Court of Revision Decision

COR 24-02-07

Moved By Daniel Bezaire Arevalo

Seconded By Janice Dougherty, Chair

That the assessments contained in Addendum 1 dated November 5, 2024, for the Walker Drain Repairs and Improvements, Geographic Township of Colchester North, and the report dated September 19th, 2024, Project REI2022D008, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, be confirmed as presented.

Carried

9. Adjournment

COR 24-02-008

Moved By Daniel Bezaire Arevalo

Seconded By Percy Dufour

That the meeting be adjourned at 5:18 PM.

Carried

Chair

Recording Secretary